

VZCZCXYZ0000
PP RUEHWEB

DE RUEHC #0991 2161634
ZNY SSSSS ZZH
P 041618Z AUG 09
FM SECSTATE WASHDC
TO RUEHYN/AMEMBASSY SANAA PRIORITY 9616
INFO RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 2591
RUEHBUL/AMEMBASSY KABUL PRIORITY 2475

S E C R E T STATE 080991

SIPDIS

E.O. 12958: DECL: 08/04/2019

TAGS: PREL KTER YM

SUBJECT: (S) ELICITING YEMENI COOPERATION EXTRADITION OF
YEMENI NATIONALS IN PAKISTAN

Classified By: Classified By: Acting Assistant Secretary Jeffrey
Feltman for REASONS 1.4 (B), AND (D).

¶1. (U) This cable is an action request. Please see
paragraphs five and six.

¶2. (S/NF) Background: Yemeni nationals Sufyan al-Yemeni, aka
Saddiq al-Abbad, and Issa al-Yemeni, aka Ali Alvi, were
detained on February 27, 2009 by Pakistan's Inter-Services
Intelligence Directorate (ISI). Sufyan al-Yemeni is a
high-level al-Qaida (AQ) facilitator with ties to AQ senior
leadership. Issa is a close associate of Sufyan and is known
to have fought with AQ in Pakistan in the Federally
Administered Tribal Areas.

¶3. (SBU) Background Continued: On 04/15/2009, a sealed
criminal complaint and arrest warrants were issued through
the Eastern District of New York against both Sufyan and Issa
for conspiracy to murder U.S. nationals abroad and for
providing material support to AQ. The USG would like to
obtain custody of the two individuals and transfer them to
the U.S. to stand trial in civilian courts.

¶4. (S/NF) Background Continued: ISI has refused to transfer
them to U.S. custody, citing the purported need for
"no-objection letters" or other indicia of
consent/acquiescence from the Yemeni government. The ROYG
has thus far proved uncooperative, though indications are
that Yemeni security officials do not want to see these two
returned to Yemen, as they would in all likelihood quickly
join up with AQ operatives already in the country. It is
very unclear whether the request for letters is a serious
impediment, or a stalling tactic, however this avenue needs
to be exhausted before we attempt less ideal efforts.

¶5. (S/REL ROYG) Action Request: Embassy Sana'a is requested
to approach the ROYG at the highest appropriate level to
request "no-objection letters" from the ROYG to the
Government of Pakistan to allow for the transfer of Sufyan
and Issa al-Yemeni to the United States, or alternatively to
Afghanistan (the last country visited before their arrest in
Pakistan). Post is recommended to inform the ROYG that this
request was raised by Attorney General Holder during his
meeting with the Yemeni Attorney General, Abdullah al-Ulofi,
on July 21 when al-Ulofi promised to follow up on our request.

¶6. (S/REL ROYG) Post is also requested to emphasize the
importance of this case to our mutual CT efforts, and to note
that these individuals will be tried in civilian courts in
the U.S. on serious criminal charges a positive development
that has long been advocated by ROYG officials critical of
our counter terrorist detention policies.

¶7. (SBU) Post is requested to report the initial results of
this demarche no later than August 17, 2009.

CLINTON